

Cortaro Water Users' Association
as agents for
Cortaro – Marana Irrigation District
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SEP 15 2003

September 12, 2003

Water Docket, Environmental Protection Agency
Mail Code 4101T
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

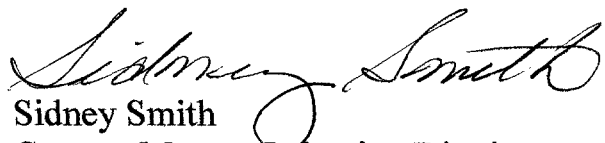
RE: Docket ID No. OW-2003-0063

Dear Sirs,

I represent an Irrigation District in a state covered by the guidelines the EPA has issued regarding the application of aquatic pesticides. Our District has for many years applied aquatic herbicides to control the growth of aquatic weeds in irrigation ditches and canals that otherwise would quickly become choked and inefficient.

Cortaro-Marana Irrigation District wishes to express its support, along with the farmers our District serves, for EPA's conclusions and interpretation of the Clean Water Act to resolve jurisdictional issues pertaining to pesticides regulated under FIFRA.

Sincerely,


Sidney Smith
Cortaro-Marana Irrigation District

ENVIRONMENTAL PROTECTION AGENCY
[OW-2003-0063; FRL-7542-9]

Interim Statement and Guidance on Application of Pesticides to Waters
of the United States in Compliance with FIFRA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for comment.

SUMMARY: In a July 11, 2003, memorandum, the Environmental Protection Agency (EPA) issued, as an Interim Statement and Guidance, an interpretation of the Clean Water Act (CWA) to resolve jurisdictional issues pertaining to pesticides regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that are applied to waters of the United States.

The interpretation addresses two sets of circumstances for which EPA believes that the application of a pesticide to waters of the United States consistent with all relevant requirements of FIFRA does not constitute the discharge of a pollutant that requires a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act:

1. the application of pesticides directly to waters of the United States in order to control pests (for example mosquito larvae or aquatic weeds that are present in the water)
2. the application of pesticides to control pests that are present over waters of the United States that results in a portion of the pesticide being deposited to waters of the United States (for example when insecticides are aerially applied to a forest canopy where waters of the United States may be present below the canopy or when insecticides are applied for control of adult mosquitoes).

EPA issued this statement pursuant to its authority under Section 301 of the Clean Water Act. EPA is soliciting and will consider comment on this interim statement and guidance before determining a final Agency position.

DATES: Comments on this notice must be received or postmarked on or before midnight October 14, 2003.

ADDRESSES: Public comments regarding this notice may be submitted electronically, by mail, or through hand delivery/courier. Comments may be submitted by mail to: Water Docket, Environmental Protection Agency, Mail Code 4101T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. OW-2003-0063. For additional information on other ways to submit comments, see SUPPLEMENTARY INFORMATION, How May I Submit Comments?

FOR FURTHER INFORMATION CONTACT: For additional technical information contact Louis Eby, Office of Wastewater Management, at (202) 564-6599, or Arty Williams, Office of Pesticide Programs, at (703) 305-5239.